

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

KELLEY S. O'DONNELL,	:	CIVIL ACTION
Petitioner	:	
	:	
vs.	:	NO. 09-3435
	:	
MARIROSA LAMAS, et al.,	:	
Respondents	:	

ORDER

AND NOW, this 6th day of February, 2013, upon careful and independent consideration of the petition for writ of *habeas corpus*, the related papers, and the pertinent documents concerning the adjudication of the petitioner's claims in state court, and after review of the thorough and well-reasoned Report and Recommendation of Magistrate Judge David R. Strawbridge, it is hereby ORDERED that:

1. The petitioner's objections are **OVERRULED**;
2. The Report and Recommendation is **APPROVED** and **ADOPTED**;
3. The petition for writ of *habeas corpus* is **DENIED** without an evidentiary hearing;
4. A certificate of appealability **SHALL NOT** issue, in that the petitioner has not made a substantial showing of the denial of a constitutional right nor shown that reasonable jurists would find the correctness of the procedural aspects of Magistrate Judge Strawbridge's Report debatable. See 28 U.S.C. § 2253(c)(2); Slack v. McDaniel, 529 U.S. 473, 484 (2000); and
5. The Clerk of the Court shall mark this case **CLOSED** for statistical purposes.

BY THE COURT:

/s/ Lawrence F. Stengel
LAWRENCE F. STENGEL, J.